

other fire hazards. The operator was plainly negligent in allowing this condition to occur. The proposed settlement was for the original amount of \$800.

Citation No. 2605567 was issued for a violation of 30 C.F.R. § 75.512 because the scoop charger on the 010 section was not maintained in a safe operating condition. The violation was serious, because the charger had been hit, causing the control panels on each side to be loose, exposing the bare electrical components inside the charger. Furthermore, the doors were damaged and would not close. A miner contacting the bare components could receive a serious electrical shock. The operator was negligent because the violation was obvious. The proposed settlement was for \$800.

Information was provided regarding the remaining statutory criteria set forth in section 110(i).

As I advised operator's counsel at the hearing, the occurrence of three such serious violations on the same day in the same mine is a cause for very serious concern. Greater care must be taken. If a case such as this involving this operator comes before me in the future I will not approve settlements of even these substantial amounts because it will then be clear that even greater deterrence in the form of higher penalties is needed.

Because the recommended settlements are for substantial amounts which appear adequately to effectuate the statutory purposes in this instance, said settlements are APPROVED and the operator is ORDERED TO PAY \$2400 within 30 days from the date of this decision.

A handwritten signature in black ink, reading "Paul Merlin". The signature is stylized with a large, sweeping "P" and a cursive "Merlin".

Paul Merlin  
Chief Administrative Law Judge